HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.16907 of 2007

Date: 24.08.2007

Between:

Chavali Sri Rama Sastry

....Petitioner

and

The Government of Andhra Pradesh, represented
By its Principal Secretary, Revenue Department and others

....Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.16907 of 2007

O R D E R:

The father of the petitioner purchased a plot of 253 sq.yards being Plot No.10 of Sardarpatel Nagar, situated in Sy.No.145, Hyder Nagar Village, Balanagar Mandal, Rangareddy District. The petitioner and his family members, in turn, intended to sell the same and executed a sale deed dated 29.6.2007 in favour of one S. Ravi Kumar. The document was presented before the Sub-Registrar-the 3rd respondent herein for registration. Through refusal endorsement No.1/2007 dated 17.7.2007, the 3rd respondent refused to register the document. The same is challenged in this writ petition.

The petitioner contends that the endorsement is cryptic and does not contain any reasons and that there is no basis for refusing to register the document.

The 3rd respondent filed counter affidavit. It is stated that he received a letter dated 13.7.2007 from the District Registrar-the 2nd respondent herein, to the effect that the document presented by the petitioner cannot be registered in view of D.O. letter dated 21.9.2005, addressed by the Special Officer and competent

authority, Hyderabad.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Registration Act (for short 'the Act'), replaced through Act 19 of 2007, had enlisted the circumstances under which the documents presented for registration can be refused. The sale deeds in respect of lands, which are declared as surplus, cannot be accepted for registration.

Section 22-A (1) (d) of the Act reads as under:

> **"Agricultural or urban lands declared as surplus under the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 or the Urban Land (Ceiling and Regulation) Act, 1976."**

A perusal of the letter dated 13.7.2007, addressed by the 2nd respondent, discloses that the Special Officer and competent authority pointed out that no documents can be registered for the land in Sy.No.145, Hyder Nagar Village, Balanagar Mandal. In the counter affidavit, it is elaborated by stating that an extent of Ac.90 in that survey number was made into plots, contrary to the provisions of A.P (Telangana Area) Land Revenue Act, 1317 Fasli. It is also stated that no declaration was filed in respect of the land under the Urban Land (Ceiling and Regulation) Act, 1976.

From this, it is evident that the plot in question was not declared as surplus, so far. Unless the land is declared as surplus, the question of applying the prohibition contained under Section 22-A of the Act, does not arise. Therefore, the endorsement cannot be upheld. The impugned endorsement dated 17.7.2007 is without any legal or factual basis.

For the foregoing reasons, the writ petition is allowed. The impugned endorsement dated 17.7.2007 is set aside. The 3rd respondent is directed to process the document in accordance

with law and complete the same within a period of two weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

24th August, 2007.
Note: CC in three days.
Bo cvm